

NEBRASKA ADMINISTRATIVE CODE

TITLE 228 - DEPARTMENT OF LABOR

CHAPTER 1 - NEBRASKA AMUSEMENT RIDE ACT DEFINITIONS

001. This chapter is adopted pursuant to *Neb. Rev. Stat.* §48-1803.
002. "Commissioner" shall mean the Commissioner of Labor or his or her designee.
003. "Amusement ride" means any mechanized device or combination of devices which carries passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers pleasure, thrills, or excitement.
004. "Carnival" means an enterprise offering amusement or entertainment to the public in, upon, or with means of mechanical amusement devices or rides.
005. "Fair" means an enterprise principally devoted to the exhibition of products of agriculture or industry in connection with the operation of mechanical amusement rides or devices.
006. "Concession booth" means a structure or enclosure used at more than one fair or carnival from which amusements are offered to the public that is not defined as an amusement ride.
007. "Related electrical equipment" means any electrical apparatus or wiring used at a carnival, fair, or amusement park.
008. "Owner/operator" means a person, or the agent of a person, who owns or controls or has the duty to control the operation of an amusement device or ride or related electrical equipment at a carnival, fair, or amusement park. "Owner/operator" includes an agency of the state or any of its political subdivisions.
009. "Independent owner/operator" is an individual that owns or operates amusement rides that contracts and/or books to work with or for a carnival, fair, or amusement park.
010. "Act" means the Nebraska Amusement Ride Safety Inspection and Regulation Act of 1987.
011. "Amusement park" means a tract, structures, area, and equipment, including electrical equipment used principally as a location for supporting amusement rides, amusement devices, and concession booths.
012. "Average adult passenger" means, for purposes of design, a person weighing one-hundred seventy pounds.

013. "Average child passenger" means, for purposes of design, a child weighing seventy-five pounds.
014. "Major ride" is a device designed by a manufacturer to carry a specific maximum number of passengers, adults, or children either by power or gravity in cars or other suitable fixtures for conveying persons.
015. "Kiddie ride" is a device designed primarily for use by children but which may accommodate adults.
016. "New ride" means a ride or device for which a permit has not been issued by the Commissioner for operation in Nebraska, a newly purchased ride, a ride or device that has undergone major alteration, or any other ride or device upon change of title or ownership.
017. "Factor of safety" or "safety factor" means the ratio of the ultimate or breaking strength of a member or piece of material to the actual working stress or to the maximum permissible or safe load stress when in use.
018. "Annual inspection" is an official inspection made by the State of Nebraska during the year of a ride or device.
019. "Reinspection" is an inspection, other than the annual inspection, made during the year of a ride or device as a result of a major alteration, major breakdown, as defined under Title 228, Chapter 1(022) and 1(023) or for any cause which may be deemed necessary by the Commissioner.
020. "Spot inspection" shall be made by Nebraska Amusement Ride Inspectors to insure corrections have been made when recommended by the State of Nebraska and/or other inspectors. Inspection fees will not be charged for such inspections unless serious corrections previously found by an inspector have not been made. Corrections previously found and not made will result in a shut down (red tag) of the ride or device. A new permit and inspection fee will then result upon the ride or device being found acceptable. Inspection reports that list serious conditions not corrected that need correction shall be inspected by the state inspector prior to issuance of permits.
021. "Load design" or "design load" means the load established by the design engineer or the Commissioner for normal operation plus acceptable factors of safety. A device shall be designed to withstand static, dynamic shock, and wind loads.
022. "Major alteration" is a change in the type or capacity of an amusement ride or device or a change in the structure or mechanism that materially affects its function or operation. This includes but is not limited to truck or flat-bed mount, and changing its mode of assembly or other operational functions from manual to mechanical or hydraulic.
023. "Major breakdown" means a stoppage of operation from whatever cause resulting in damage, failure, or breakage of a stress bearing part of a ride or device.

024. "Rated capacity" is a capacity established by the design engineer for the normal loading and operation of a ride or device, or in absence thereof, as established by the Commissioner after inspection and determination.
025. "Ride operator" is a person or person causing the amusement ride or amusement device to go and stop or perform its entertaining function. A ride operator can be the owner/operator's employee/designee.
026. "Rope", "wire rope", and "cable" are interchangeable terms except where the term "fiber rope" is used.
027. "Safety retainer" is a secondary safety cable, bar, chain, attachment, or other device designed to prevent parts of a ride or device from becoming disengaged from the main mechanism or from tipping or tilting in a manner to cause injury to persons riding on or in the vicinity of a ride or device.
028. "Restraining device" is a safety belt, harness chain, bar, or other mechanism designed and utilized for physical support, retention, or restraint to the passenger of a ride or device.
029. "Containing device" is a strap, belt, bar, gate, or other safety device designed to prevent accidental or inadvertent dislodgement of a passenger from a ride or device but which does not actually provide physical support.
030. The Commissioner's representative (inspector), upon presenting credentials, is authorized:
- A. To enter without delay and at reasonable times any assembly area or other area where amusement rides and amusement devices are being assembled or are in use.
 - B. To inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and within a reasonable manner, any such place of amusement, and to question privately any operator or employee.